



February 4, 2005

SENATE BILL No. 101

DIGEST OF SB 101 (Updated February 1, 2005 11:41 am - DI 106)

Citations Affected: IC 35-38.

Synopsis: Modification of the terms of probation. Permits a court to hold a new probation hearing and modify a probationer's conditions of probation at any time during the probationary period. Requires the court to notify the probationer of the hearing. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Effective: July 1, 2005.

Long, Howard

January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 3, 2005, reported favorably — Do Pass.

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SB 101—LS 6233/DI 106+



February 4, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 101

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-2-1.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 1.8. (a) This section does not apply to the**
4 **modification of a user's fee payment under section 1.7(b) of this**
5 **chapter.**

6 **(b) The court may hold a new probation hearing at any time**
7 **during a probationer's probationary period:**

8 **(1) upon motion of the probation department or upon the**
9 **court's motion; and**

10 **(2) after giving notice to the probationer.**

11 **(c) At a probation hearing described in subsection (b), the court**
12 **may modify the probationer's conditions of probation. If the court**
13 **modifies the probationer's conditions of probation, the court shall:**

14 **(1) specify in the record the conditions of probation; and**

15 **(2) advise the probationer that if the probationer violates a**
16 **condition of probation during the probationary period, a**
17 **petition to revoke probation may be filed before the earlier of**



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- 1 the following:
- 2 (A) One (1) year after the termination of probation.
- 3 (B) Forty-five (45) days after the state receives notice of
- 4 the violation.
- 5 (d) The court may hold a new probation hearing under this
- 6 section even if:
- 7 (1) the probationer has not violated the conditions of
- 8 probation; or
- 9 (2) the probation department has not filed a petition to revoke
- 10 probation.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 101, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 101 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 11, Nays 0.

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